

Exhibit 25



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Transcript of Edward Joseph Brooks, III, Esquire

Date: July 6, 2022

Case: XR Communications, LLC -v- D-Link Systems, Inc., et al.

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WORLDWIDE COURT REPORTING & LITIGATION TECHNOLOGY

Transcript of Edward Joseph Brooks, III, Esquire
Conducted on July 6, 2022

2 (5 to 8)

<p>1 C O N T E N T S</p> <p>2 EXAMINATION OF EDWARD JOSEPH BROOKS, III, ESQ. PAGE</p> <p>3 By Mr. Haslam 8</p> <p>4 By Mr. Mirzaie 46</p> <p>5 By Mr. Haslam 54</p> <p>6</p> <p>7</p> <p>8 E X H I B I T S</p> <p>9 (Attached to the Transcript)</p> <p>10 BROOKS DEPOSITION EXHIBIT PAGE</p> <p>11 Exhibit 1 First Amendment to Asset 10</p> <p>12 Purchase Agreement,</p> <p>13 Bates XR-00007768 - 00007807</p> <p>14 Exhibit 2 Patent Conveyance from Wayout 12</p> <p>15 Wireless, LLC, to Vivato Networks,</p> <p>16 LLC, Bates XR-00007808 - 00007811</p> <p>17 Exhibit 3 Patent Assignment, 15</p> <p>18 Bates XR-00007829 - 00007833</p> <p>19 Exhibit 4 10/16/06 Letter from Mr. Brooks 17</p> <p>20 to Commissioner for Patents,</p> <p>21 Bates ARUBA_0032504 - 0032506</p> <p>22 Exhibit 5 Tabs3 Client Ledger Report, 19</p> <p>23 Brooks, Cameron & Huebsch, PLLC,</p> <p>24 From 1/1/06 Through 12/31/08</p> <p>25</p>	<p>1 P R O C E E D I N G S</p> <p>2 VIDEO SPECIALIST: Good morning.</p> <p>3 Here begins Media Number 1 in the video</p> <p>4 recorded deposition of Edward Brooks in the matter</p> <p>5 of XR Communications, LLC, versus D-Link Systems,</p> <p>6 Inc., et al. This is Case Number</p> <p>7 8:17-CV-00596-AG, filed in the U.S. District Court</p> <p>8 for the Central District of California, Los</p> <p>9 Angeles Division.</p> <p>10 Today's date is July 6, 2022. The time</p> <p>11 on the video monitor is now 11:08 a.m. eastern</p> <p>12 time. The videographer today is Joel Coriat, on</p> <p>13 behalf of Planet Depos. This deposition will be</p> <p>14 taken via videoconference.</p> <p>15 Would counsel please identify yourself,</p> <p>16 for the record.</p> <p>17 MR. HASLAM: My name is Bob Haslam. I'm</p> <p>18 with Covington & Burling, and I represent Aruba</p> <p>19 Networks. And with me is Kee Young Lee.</p> <p>20 MR. MIRZAIE: I am Reza Mirzaie from</p> <p>21 Russ, August & Kabat, representing Plaintiff XR,</p> <p>22 or also known as Vivato.</p> <p>23 MR. SALEEM: Sajid Saleem from Duane</p> <p>24 Morris, representing Defendants Belkin and</p> <p>25 NetGear.</p>
<p>1 E X H I B I T S C O N T I N U E D</p> <p>2 BROOKS DEPOSITION EXHIBIT PAGE</p> <p>3 Exhibit 6 2/14/08 Amendment and Response, 27</p> <p>4 Bates ARUBA_0032636 - 0032660</p> <p>5 Exhibit 7 4/25/08 Request for Withdrawal as 28</p> <p>6 Attorney or Agent and Change of</p> <p>7 Correspondence Address, Bates</p> <p>8 ARUBA_0032681 - 0032682</p> <p>9 Exhibit 8 Notice Regarding Change of Power 31</p> <p>10 of Attorney, Bates</p> <p>11 ARUBA_0032683 - 0032687</p> <p>12 Exhibit 9 4/25/08 Request for Withdrawal as 38</p> <p>13 Attorney or Agent and Change of</p> <p>14 Correspondence Address, Bates</p> <p>15 ARUBA_0034862 - 0034863</p> <p>16 Exhibit 10 Notice Regarding Change of Power 39</p> <p>17 of Attorney, Bates</p> <p>18 ARUBA_0034864 - 0034866</p> <p>19 Exhibit 11 10/31/08 Office Communication, 40</p> <p>20 Bates ARUBA_0034875 - 0034877</p> <p>21 Exhibit 12 4/30/08 Request for Withdrawal as 42</p> <p>22 Attorney or Agent and Change of</p> <p>23 Correspondence Address, Bates</p> <p>24 ARUBA_0033263 - 0033264</p> <p>25</p>	<p>1 VIDEO SPECIALIST: All right. The court</p> <p>2 reporter today is Debbie Whitehead, on behalf of</p> <p>3 Planet Depos. She will now swear in the deponent.</p> <p>4 EDWARD JOSEPH BROOKS, III, ESQUIRE,</p> <p>5 having been duly sworn, testified as follows:</p> <p>6 VIDEO SPECIALIST: Thank you.</p> <p>7 You may proceed, Counsel.</p> <p>8 EXAMINATION BY COUNSEL FOR DEFENDANT</p> <p>9 ARUBA NETWORKS, LLC</p> <p>10 BY MR. HASLAM:</p> <p>11 Q Mr. Brooks, I understand you're a lawyer.</p> <p>12 Are you still practicing today?</p> <p>13 A Yes.</p> <p>14 Q Can you, for the record, now that you're</p> <p>15 under oath, can you state your name and where you</p> <p>16 reside?</p> <p>17 A Edward Joseph Brooks, III, resident in</p> <p>18 Minneapolis, Minnesota.</p> <p>19 Q And among the areas of your practice, do</p> <p>20 you practice patent law?</p> <p>21 A Yes.</p> <p>22 Q Are you registered to practice before the</p> <p>23 Patent and Trademark Office?</p> <p>24 A Yes.</p> <p>25 Q How long have you been so registered?</p>

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3 (9 to 12)

<p>9</p> <p>1 A Twenty-five years.</p> <p>2 Q And does your work in connection with the</p> <p>3 patent office include preparing patent</p> <p>4 applications?</p> <p>5 A Yes.</p> <p>6 Q Does it also include steps in the process</p> <p>7 of corresponding with the patent office in the</p> <p>8 back and forth that sometimes goes on before a</p> <p>9 patent is either ultimately issued or ultimately</p> <p>10 rejected?</p> <p>11 A Yes.</p> <p>12 MR. HASLAM: I'm going to upload to the</p> <p>13 chat, and it will be published -- well, at least</p> <p>14 we hope that's what's going to happen. Well,</p> <p>15 here's what I'm going to do. Kee Young, can you</p> <p>16 upload -- I'm not going to use them all, but can</p> <p>17 you upload Tabs 1 through 20 to the videographer.</p> <p>18 Q I apologize, Mr. Brooks.</p> <p>19 A Quite all right.</p> <p>20 (Discussion off the record with the A/V</p> <p>21 technician.)</p> <p>22 MR. HASLAM: Okay. Why don't we go off</p> <p>23 the record and we'll come back on as soon as it's</p> <p>24 uploaded.</p> <p>25 VIDEO SPECIALIST: Okay. Going off the</p>	<p>11</p> <p>1 A Correct.</p> <p>2 Q Okay. What was your -- were you doing</p> <p>3 any work for Wayout Wireless at the date of</p> <p>4 this -- around the time of this recordation, which</p> <p>5 is September 2006?</p> <p>6 A Not that I recall. In fact, I don't</p> <p>7 recognize that name at all, Wayout Wireless.</p> <p>8 Q Would you go back to the top, there is a</p> <p>9 reference to the name of the conveying party,</p> <p>10 Vivato, Inc.</p> <p>11 Were you doing any work associated with</p> <p>12 Vivato, Inc., at that time?</p> <p>13 A I do not recall when I began doing work</p> <p>14 for Vivato, but we did patent prosecution work for</p> <p>15 Vivato.</p> <p>16 Q We'll get to more specifics later on.</p> <p>17 But when you -- without regard to when you recall</p> <p>18 first doing work with a Vivato entity, can you</p> <p>19 tell me who the people were that you were first</p> <p>20 dealing with at Vivato?</p> <p>21 A Gary Haycox.</p> <p>22 Q How did you become acquainted with</p> <p>23 Mr. Haycox in a professional capacity?</p> <p>24 A He was referred to us.</p> <p>25 Q And do you recall approximately when he</p>
<p>10</p> <p>1 record. The time is 11:12.</p> <p>2 (A recess was taken.)</p> <p>3 VIDEO SPECIALIST: We are back on the</p> <p>4 record. The time is 11:14. Thank you.</p> <p>5 MR. HASLAM: Can we publish the document</p> <p>6 that is in Tab 1.</p> <p>7 A/V TECHNICIAN: Stand by.</p> <p>8 MR. HASLAM: And can you provide the</p> <p>9 witness with the ability to control the document.</p> <p>10 (Discussion off the record with the A/V</p> <p>11 technician.)</p> <p>12 MR. HASLAM: Let's have this marked as</p> <p>13 Exhibit 1.</p> <p>14 (Brooks Deposition Exhibit 1 marked for</p> <p>15 identification and is attached to the transcript.)</p> <p>16 Q Can you tell us what this document is?</p> <p>17 A My eyes are not good as they used to be,</p> <p>18 so I'm ...</p> <p>19 (Discussion off the record with the A/V</p> <p>20 technician.)</p> <p>21 A It looks like it's listed as a First</p> <p>22 Amendment to Asset Purchase Agreement; Conveying</p> <p>23 Party, Vivato; Receiving Party, Wayout Wireless.</p> <p>24 Q And at the bottom of that first page, is</p> <p>25 that your signature?</p>	<p>12</p> <p>1 was referred to you?</p> <p>2 A This document says September 19 of 2006,</p> <p>3 so I imagine it was in 2006.</p> <p>4 Q And what kind of work did Mr. Haycox ask</p> <p>5 you to perform?</p> <p>6 A Patent prosecution.</p> <p>7 Q If you'll scroll down to right there.</p> <p>8 And I've got documents that I'll show you later.</p> <p>9 But do you recall generally at this point that the</p> <p>10 patent applications and patent numbers that are</p> <p>11 listed there were among the patents or patent</p> <p>12 applications that you performed services for</p> <p>13 Mr. Haycox relating to?</p> <p>14 A No, I don't have any recollection of</p> <p>15 patent numbers from back in 2006.</p> <p>16 Q Okay. And again, we'll get to it later,</p> <p>17 but do you recall that you were working on more</p> <p>18 than one patent or patent applications during your</p> <p>19 work for companies related to Mr. Haycox?</p> <p>20 A I recall working on more than one patent</p> <p>21 application.</p> <p>22 MR. HASLAM: Can we pull up Tab 2 and</p> <p>23 publish it. This is another -- is this -- strike</p> <p>24 that. Let's mark this as Exhibit 2.</p> <p>25 (Brooks Deposition Exhibit 2 marked for</p>

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4 (13 to 16)

<p>13</p> <p>1 identification and is attached to the transcript.)</p> <p>2 Q Can you tell us what this document is?</p> <p>3 A It looks like a similar document to the</p> <p>4 previous one, this time conveying from Wayout</p> <p>5 Wireless --</p> <p>6 THE WITNESS: Kevin, if you'll scroll up.</p> <p>7 A -- to Vivato Networks, LLC.</p> <p>8 Q Do you recall the name Vivato Networks,</p> <p>9 LLC, in connection with work you performed for</p> <p>10 Mr. Haycox?</p> <p>11 A Yes.</p> <p>12 Q And was that an entity from approximately</p> <p>13 sometime around the date of 2007 forward that you</p> <p>14 performed patent-prosecution-related services for?</p> <p>15 A Yes.</p> <p>16 MR. HASLAM: If we can scroll up. If we</p> <p>17 can scroll up just briefly on that. Can you go up</p> <p>18 a little more.</p> <p>19 Q In Box 2, the name Vivato Networks, LLC,</p> <p>20 appears, and it has a street address care of</p> <p>21 Ambrose Law, in Portland, Oregon.</p> <p>22 Do you recall having any contact around</p> <p>23 this time with Ambrose Law?</p> <p>24 A No.</p> <p>25 Q Do you recall ever dealing with a</p>	<p>15</p> <p>1 Mr. Ambrose?</p> <p>2 A Correct.</p> <p>3 Q And I'll just elaborate that. Do you</p> <p>4 recall ever having any written communications with</p> <p>5 Mr. Ambrose?</p> <p>6 A I do not recall.</p> <p>7 Q And could we just scroll down to the</p> <p>8 signature on this page. I want to make sure I've</p> <p>9 asked you that.</p> <p>10 Is that your signature on the bottom of</p> <p>11 the first page?</p> <p>12 A Yes.</p> <p>13 MR. HASLAM: Can we have Tab 3 uploaded.</p> <p>14 (Brooks Deposition Exhibit 3 marked for</p> <p>15 identification and is attached to the transcript.)</p> <p>16 MR. HASLAM: And could you give control</p> <p>17 to the witness.</p> <p>18 A/V TECHNICIAN: He should have control.</p> <p>19 Q First question is, can you tell me what</p> <p>20 that document is?</p> <p>21 A It's labeled an assignment document, with</p> <p>22 conveyance from Vivato Networks, LLC. If you'll</p> <p>23 scroll down. I don't see who it's assigned to.</p> <p>24 Oh, Vivato Networks Holdings, LLC. Thank you.</p> <p>25 Q You've testified earlier that you did do</p>
<p>14</p> <p>1 Mr. Ambrose?</p> <p>2 A I never had any contact with anyone other</p> <p>3 than Gary Haycox, but I believe he gave me</p> <p>4 instructions from business counsel Ambrose.</p> <p>5 Q And can you elaborate on what you mean by</p> <p>6 he gave you instructions related from Mr. Ambrose?</p> <p>7 MR. CONNEELY: Counsel, this is</p> <p>8 Mr. Conneely. I have to jump in here. Mr. Brooks</p> <p>9 may owe a duty of confidentiality or</p> <p>10 attorney-client privilege. And unless someone can</p> <p>11 tell us that that's been waived, I have to caution</p> <p>12 him not to disclose attorney-client privileged</p> <p>13 communications, even for former clients.</p> <p>14 MR. MIRZAIE: And, yes, I think</p> <p>15 confidentiality, I think we should be fine as far</p> <p>16 as the protective order is concerned. You know,</p> <p>17 we're under protective order here, and we can</p> <p>18 designate, if Mr. Haslam wants to, the transcript</p> <p>19 under outside attorneys' eyes only.</p> <p>20 Privilege has not been waived. So unless</p> <p>21 Mr. Haslam has some different information, I don't</p> <p>22 think privilege has been waived.</p> <p>23 Q Let me ask you this: Do I understand</p> <p>24 from what you have testified that you do not</p> <p>25 recall having any direct conversations with</p>	<p>16</p> <p>1 patent prosecution work for Vivato Networks, LLC,</p> <p>2 and this is a -- something recorded with the</p> <p>3 patent office.</p> <p>4 Do you recall at some point doing work</p> <p>5 for Vivato Networks Holdings, LLC?</p> <p>6 A I do not recall.</p> <p>7 Q And by that do you mean that you have no</p> <p>8 recollection one way or the other, or are you</p> <p>9 saying that you don't believe you ever did patent</p> <p>10 prosecution services for Vivato Networks Holdings?</p> <p>11 A I have no recollection.</p> <p>12 Q Okay. Without regard at this point in</p> <p>13 time for the particular, what those particular</p> <p>14 application numbers that are listed there -- could</p> <p>15 you scroll down -- under Property Numbers, can you</p> <p>16 tell me those are patent application numbers?</p> <p>17 A Those look to be in the form of patent</p> <p>18 application serial numbers.</p> <p>19 Q And at this point in time, as of the date</p> <p>20 of this document, were you working on multiple</p> <p>21 patents or patent applications in December 2007?</p> <p>22 A Yes. And by "patent applications,"</p> <p>23 prosecution only, I believe.</p> <p>24 Q And by that do you mean that you were not</p> <p>25 filing new applications?</p>

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12 (45 to 48)

<p>45</p> <p>1 VIDEO SPECIALIST: We're back on the 2 record, the time is 12:17. 3 BY MR. HASLAM: 4 Q I want to ask you one further question. 5 After you withdrew as counsel for Mr. Haycox and 6 his companies, did an Adrian Zajac, Z-A-J-A-C, 7 ever contact you to discuss your withdrawal or the 8 reason for your withdrawal? 9 A I don't recognize that name. I do not 10 recall. 11 Q And we can go back and look at them, but 12 I'll ask this without them. In your request to 13 withdraw as counsel, one of the things you are 14 required to provide by the patent office is a 15 reason for your withdrawal. Correct? 16 A I'm not certain if that's the current 17 form or was that the form then. 18 Q Okay. The reason for withdrawal was the 19 fact that you had unpaid bills that had been 20 unpaid for approximately a year. Correct? 21 A More than a year, correct. 22 MR. HASLAM: Okay. I have no further 23 questions. Thank you very much for your time. I 24 guess other counsel has the opportunity to ask 25 questions, if they wish.</p>	<p>47</p> <p>1 Q And to be clear, you do not recall that 2 any of those ever went abandoned. Correct? My 3 question wasn't whether you recalled the -- the 4 questions earlier this morning. My question is, 5 you don't recall any of those applications going 6 abandoned. Correct? 7 A Correct. 8 Q And you weren't involved in any revival 9 of those applications from any abandonment. 10 Correct? 11 A Not that I recall. 12 Q And you were shown I believe it was Tab 13 45, an invoice of sorts that I believe showed some 14 of the moneys that you were paid and -- and owed. 15 Do you recall that? 16 A I believe we started the day looking at 17 an invoicing summary sheet. And at the very 18 bottom of the summary sheet there appeared to be 19 the reflection of the amount charged versus the 20 amount paid, and the difference outstanding. 21 Q And were you ever owed money from any 22 other clients other than the Vivato-related 23 clients we've identified this morning? 24 MR. CONNEELY: Objection. Vague. 25 A I don't think I can speak to the business</p>
<p>46</p> <p>1 MR. MIRZAIE: Yeah. Thank you, 2 Mr. Brooks, for your time today. I just have 3 maybe 15 minutes of questions to ask, if that's 4 okay. 5 THE WITNESS: Yes. 6 EXAMINATION BY COUNSEL FOR PLAINTIFF 7 BY MR. MIRZAIE: 8 Q Let's see here. So I believe you 9 testified earlier today that some of the 10 applications that you were shown -- strike that. 11 You were shown a few applications today 12 during the first part of your testimony. 13 Do you recall that? 14 A I was shown, it looked to be faxed forms, 15 correspondence with the patent office, and we 16 looked at a summary sheet of invoicing. And 17 connected with that were patent numbers. But we 18 didn't look at -- I think there was one amendment 19 response cover sheet that was put up, correct. 20 Q Thanks. And the applications identified 21 on the documents that you were shown today, I 22 believe you testified that you weren't aware that 23 any of those went abandoned after you withdrew. 24 Correct? 25 A I do not recall.</p>	<p>48</p> <p>1 practices of other clients and their payments. 2 Q Your -- you withdrew from representing 3 Vivato or Vivato-related entities per some of the 4 exhibits that we reviewed this morning. Correct? 5 A Correct. 6 Q Was that your one and only withdrawal 7 from representation over the course of your 8 lengthy career? 9 A I imagine there were other withdrawals 10 over the course of my career. 11 Q And some of those other withdrawals were 12 as a result of nonpayment of attorney fees. Fair? 13 A I suspect so. 14 Q Do you have any idea of about how many 15 withdrawals you've had over your career? 16 A No. 17 Q Some of the correspondence that you 18 reviewed today did indicate that the patent owner 19 at the time had hired another attorney, by the 20 name of Ambrose. 21 Do you recall that? 22 A I do not recall what other counsel worked 23 for Gary Haycox. I recall by voice taking 24 instruction from Gary Haycox to list 25 correspondence contacts.</p>

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13 (49 to 52)

<p>49</p> <p>1 Q And you were never instructed to -- to 2 abandon any application. Fair?</p> <p>3 A I do not recall an instruction to abandon 4 an application.</p> <p>5 Q And the invoices that we looked at this 6 morning, that does not suggest any intent on your 7 part to deceive the PTO. Fair?</p> <p>8 MR. CONNEELY: Object to the form. It's 9 argumentative. And we didn't look at any invoices 10 this morning.</p> <p>11 Q I'll ask a different question. You were 12 shown, I counted about a dozen documents this 13 morning. Fair?</p> <p>14 A Yes, it appears that we looked at about a 15 dozen documents.</p> <p>16 Q Did any of those documents indicate any 17 intent to deceive the patent office from you?</p> <p>18 MR. CONNEELY: Same objection. 19 Argumentative and foundation.</p> <p>20 Q But you can answer yes or no to the 21 extent you have an opinion on that matter or you 22 have an answer.</p> <p>23 A The documents we looked at were form 24 documents from the patent office. Why would they 25 reflect an intent to deceive?</p>	<p>51</p> <p>1 A I apologize. If you -- if you said 2 excepting the summary sheet, yes, they -- they 3 presumably would be part of the file histories.</p> <p>4 Q And those are all matters of public 5 record or to which the public has access to. 6 Fair?</p> <p>7 A They should.</p> <p>8 Q And by the way, when did counsel for 9 Aruba first reach out to you either by e-mail or 10 by serving a subpoena on you this year?</p> <p>11 A I believe I was first contacted end of 12 May.</p> <p>13 Q Do you know the exact date?</p> <p>14 A I do not.</p> <p>15 Q Could it have been early June, or was it 16 end of May for sure?</p> <p>17 A It could have been. I don't recall.</p> <p>18 Q But it wasn't before around the end of 19 May. Fair?</p> <p>20 A For volume issues, would you please say 21 the front end of that again?</p> <p>22 Q Yeah. But it was not before along the 23 end of May. Correct?</p> <p>24 A Correct, it was not before along the end 25 of May.</p>
<p>50</p> <p>1 Q I don't think they would, but I'm 2 asking -- I'm just asking you if you think that 3 they would.</p> <p>4 A I do not.</p> <p>5 MR. CONNEELY: Same objections.</p> <p>6 Q And the payment document at Tab 45 also 7 does not reflect any intent to deceive. Correct?</p> <p>8 MR. CONNEELY: Object to the extent it 9 calls for a legal conclusion and lack of 10 foundation.</p> <p>11 Q You can answer subject to that objection, 12 sir.</p> <p>13 A Would you please repeat the question?</p> <p>14 Q Yes. The bills document that we reviewed 15 which counsel called Tab 45, do you recall that 16 document?</p> <p>17 A Yes.</p> <p>18 Q That, also, does not reflect or suggest 19 any intent to deceive the PTO. Fair?</p> <p>20 MR. CONNEELY: Same objections.</p> <p>21 A It does not appear to be.</p> <p>22 Q Outside of that document I think the 23 majority, if not all of the other documents you 24 were shown today, were part of the file histories 25 of various patent applications. Fair?</p>	<p>52</p> <p>1 Q And did you have any phone calls with 2 counsel for Aruba between that point in time and 3 today?</p> <p>4 A Yes.</p> <p>5 Q About how many?</p> <p>6 A One.</p> <p>7 Q And how long was that call?</p> <p>8 A Five, ten minutes.</p> <p>9 Q And what did you guys discuss, if you 10 recall?</p> <p>11 A Counsel -- and I apologize, I do not have 12 counsel's first -- or last name, Anupam, and Kee 13 Young on the call today were present and asked if 14 I had done work for Vivato. We shared that we 15 had, and we had withdrawn, and did not have 16 anything further to share.</p> <p>17 Q And the fact that you had done work for 18 Vivato, that was part of the public file history. 19 Fair?</p> <p>20 A Correct.</p> <p>21 Q And the fact that you had withdrawn, that 22 was also part of the public file history. Fair?</p> <p>23 A Those sheets we looked at, correct, 24 request for withdrawal.</p> <p>25 Q And was that phone conversation the first</p>

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14 (53 to 56)


<p>53</p> <p>1 time that they reached out to you in end of May, 2 early June? 3 MR. CONNEELY: Counsel, I'm not sure 4 we've established when the phone call happened. 5 Q That's what I'm trying to inartfully 6 perhaps establish is, did that phone call take 7 place at the end of May or early June? 8 A Yes. 9 Q Was that the first time that someone on 10 behalf of Aruba or HP reached out to you? 11 A I believe so. 12 Q And have you exchanged e-mails with 13 counsel for Aruba or HP? 14 A Yes. 15 Q About how many? 16 A One or two. 17 Q And what were the -- what was the 18 substance of those e-mails, if you recall? 19 A I believe I first received an e-mail from 20 Anupam asking if he could speak with me. I 21 responded in one e-mail to say that I would make 22 time, and it resulted in the phone call. And then 23 after other business interruptions, he reached out 24 again requesting and I responded that we would not 25 be able to participate with his request.</p>	<p>55</p> <p>1 MR. HASLAM: Yeah. 2 Q Before you filed the request to withdraw 3 with the patent office in connection with the 4 applications you were working on for Mr. Haycox 5 and his companies, did you inform Mr. Haycox that 6 you were going to withdraw? 7 A I do not recall, but I believe our 8 practice would have been to advise the client that 9 we would withdraw. 10 Q Was it your practice to suggest that they 11 get replacement counsel or not? 12 A Yes. 13 MR. HASLAM: That's all I have. Thank 14 you very much for your time. 15 THE WITNESS: Thank you. 16 MR. MIRZAIE: Thanks, everybody. 17 THE WITNESS: Have a great day. 18 MR. HASLAM: You, too. Appreciate your 19 time. 20 VIDEO SPECIALIST: Thank you. That 21 concludes today's proceedings. Off the record at 22 12:31. Thank you, Counsel. 23 (Off the record at 12:31 p.m. EDT.) 24 25</p>
<p>54</p> <p>1 Q Thank you. 2 MR. MIRZAIE: And, Counsel, we'd request 3 production of those e-mails. 4 And with that, I don't believe I have any 5 other questions. Thank you for your time this 6 morning. 7 MR. CONNEELY: Can I just ask a 8 clarification. Which counsel were you looking at 9 when you said you requested copies of those 10 e-mails? 11 MR. MIRZAIE: I'm sorry. Just -- not 12 you, but counsel for defendants in this case, 13 Aruba HP. 14 MR. CONNEELY: Thank you. 15 THE WITNESS: Thank you. 16 EXAMINATION BY COUNSEL FOR DEFENDANT ARUBA 17 NETWORKS, LLC 18 BY MR. HASLAM: 19 Q I just have one or two questions. 20 When -- when you decided to withdraw as counsel in 21 representing Mr. Haycox and his companies before 22 the patent office, did you advise him of that 23 fact? 24 MR. CONNEELY: Could you ask that 25 question again?</p>	<p>56</p> <p>1 ACKNOWLEDGMENT OF DEPONENT 2 I, EDWARD JOSEPH BROOKS, III, ESQUIRE, do 3 hereby acknowledge that I have read and examined 4 the foregoing testimony, and the same is a true, 5 correct and complete transcription of the 6 testimony given by me, and any corrections appear 7 on the attached Errata sheet signed by me. 8 9 10 (DATE) (SIGNATURE) 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

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Transcript of Edward Joseph Brooks, III, Esquire
Conducted on July 6, 2022

15 (57 to 60)

<p>57</p> <p>1 CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC</p> <p>2 I, Debra A. Whitehead, the officer before whom the</p> <p>3 foregoing proceedings were taken, do hereby certify</p> <p>4 that the foregoing transcript is a true and correct</p> <p>5 record of the proceedings; that said proceedings</p> <p>6 were taken by me stenographically and thereafter</p> <p>7 reduced to typewriting under my supervision; that</p> <p>8 reading and signing was not requested; and that I am</p> <p>9 neither counsel for, related to, nor employed by any</p> <p>10 of the parties to this case and have no interest,</p> <p>11 financial or otherwise, in its outcome.</p> <p>12 IN WITNESS WHEREOF, I have hereunto set my hand and</p> <p>13 affixed my notarial seal this 18th day of July,</p> <p>14 2022.</p> <p>15</p> <p>16 My commission expires:</p> <p>17 April 30, 2023</p> <p>18 </p> <p>19 -----</p> <p>20 E-NOTARY PUBLIC IN AND FOR THE</p> <p>21 STATE OF MARYLAND</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	

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